

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

|                                |   |                                |
|--------------------------------|---|--------------------------------|
| KEITH A. WERNER,               | : | CIVIL ACTION NO. 08-4663 (MLC) |
|                                | : |                                |
| Plaintiff,                     | : | <b>MEMORANDUM OPINION</b>      |
|                                | : |                                |
| v.                             | : |                                |
|                                | : |                                |
| CORRECTIONAL MEDICAL SERVICES, | : |                                |
| et al.,                        | : |                                |
|                                | : |                                |
| Defendants.                    | : |                                |
| _____                          | : |                                |

**THE PLAINTIFF** bringing this action in state court to recover damages pursuant to (1) the United States Constitution, 42 U.S.C. § 1983, the Americans with Disabilities Act, and the Rehabilitation Act ("Federal Claims"), and (2) state law ("State Claims") (dkt. entry no. 1, Compl. at 3); and the defendants removing the action based upon the Federal Claims (dkt. entry no. 1, Rmv. Not. at 1-2), see 28 U.S.C. § 1331; and

**THE PLAINTIFF** now moving to (1) dismiss the Federal Claims, and (2) remand the action insofar as it concerns the State Claims to state court ("Motion") (dkt. entry no. 4, Pl. Br. at 2-4); and it appearing that the Motion is unopposed; and

**THE COURT** intending to (1) grant the Motion, (2) dismiss the Federal Claims, and (3) remand the action insofar as it concerns State Claims to state court; and the Court being authorized to decline to exercise jurisdiction over the remaining State Claims,

see 28 U.S.C. § 1367(c)(3); and for good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge

Dated: December 2, 2008